

*PROPOSED ORDINANCE*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON AMENDING CHAPTER 10.20 OF THE CITY'S PARKING CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City has authority to establish and enforce vehicle regulations and fines not in conflict with State or federal law; and

**WHEREAS**, the Council has established vehicle regulations and fines for on street parking in MVMC Chapter 10.20; and

**WHEREAS**, the Council desires to add, amend and clarify certain of these vehicle regulations and fines to better address traffic concerns within the City; and

**WHEREAS**, the City Council of the City of Mount Vernon finds that there exists a lack of parking available to citizens and businesses within the City of Mount Vernon.

**NOW, THEREFORE, THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section One. MVMC 10.020.210 Definitions is hereby amended to read as follows:**

MVMC 10.20.020        Definitions

For the purpose of this chapter, the following terms shall have the following definitions:

- A. "Parking facility" or "parking facilities" shall mean any structure, garage, or parking lot, owned or controlled by the city of Mount Vernon, at which parking is made available to the public.
- B. "Recreational vehicle" shall include all travel trailers, tent trailers, boats, boat trailers, snowmobile trailers or any similar vehicle. The term shall also include any "motor home" or "camper" as such terms are defined in RCW 82.50.010, which definitions are adopted by reference.
- C. "Commercial vehicle" shall mean and truck and/or trailer, truck and/or tractor or semi-trailer or any combination thereof, all nonmotorized vehicles, or trailers designed to be or actually attached or connected to a motor vehicle, or semi-truck or any other conveyance which is over 80 inches in width. "Commercial vehicle" shall not be construed to include "Recreational vehicles" as defined in MVMC 10.20.020 B not used for commercial purposes.

**Section Two. MVMC 10.020.170 Parking Restriction for Recreational Vehicles is hereby amended to read as follows:**

MVMC 10.20.170        Parking Restrictions For Recreational Vehicles

- A. In areas zoned residential, including multifamily areas, no recreational vehicle may be stored upon any city street or sidewalk, but may be stored in a garage or private driveway.

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- B. Except as provided in this section, no recreational vehicle may be parked or left standing on any city street between the hours of 2:00 a.m. and 6:00 a.m.
- C. The restrictions set forth in this chapter shall not apply to the parking of a recreational vehicle on a street or alley immediately abutting a street lot line of the lot upon which the owner or operator of the vehicle resides if such parking is solely for the purpose of convenient departure from or return to the lot by such resident in connection with a planned trip, outing or vacation, commencing or ending on the same day or such departure or return, including any loading or unloading of persons and personal effects, or for the preparation of the vehicle in regards to such departure or return; provided, however, that such parking may not occur on more than two consecutive days or more than two days in any seven-day period.

**Section Three. A new section MVMC 10.020.175 Parking Restrictions for Certain Commercial and Large Sized Vehicles is hereby created to read as follows:**

MVMC 10.20.175          Parking Restrictions For Commercial and Large Sized Vehicles

- A. Residential Developments: It shall be unlawful to park any commercial vehicle on any public right of way in areas zoned residential, including multifamily areas or where all adjacent structures are occupied as residential dwellings. Adjacent structures shall mean those structures on the same side of the right of way as the area for parking and within the same block. Any structure or residence enjoying a home business occupancy permit shall be considered a residential occupancy and not a commercial occupancy.
- B. Commercial Developments: On any public right of way in areas not zoned residential, including multifamily areas or areas in which not all of the adjoining structures are developed and occupied as residential units parking will be permitted for commercial vehicles on that portion of the public right of way subject to the following:
  - 1. Time Limit: Commercial vehicles are prohibited from parking on public right-of-way for more than two (2) hours.
  - 2. Hours: Between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. no person shall park a commercial vehicle upon the public right of way within five hundred (500') of residential dwellings and permit any motor, engine, compressor or other devise to operate for more than ten (10) consecutive minutes or a total of ten (10) minutes within any two (2) hours period.
- C. Public Right of Way: Public right-of-way shall include any dedicated or developed property used or intended for use as public streets, alleys or other means of public ingress, egress or passage whether the property of the City, County or State.

D. Exemptions:

1. Commercial vehicles engaged in deliveries, loading or unloading, or as support to an ongoing business activity such as construction or moving are exempt from the provision of this Section, but only for the time reasonable and necessary to support the activity or make the delivery.
2. Commercial vehicles owned by a public or quasi-public agency or utility when responding to emergencies or providing related services.
3. Commercial vehicles that become disabled while in travel in order to safely remove the vehicle off the road as an emergency measure and only to the extent reasonably necessary to arrange for tow.
4. Commercial vehicles parking at the direction of law enforcement or fire official.

E. It is not necessary that restricted parking or other traffic signs be erected for the purpose of enforcing this section.

**Section Four. MVMC 10.020.210 Penalties for parking infractions is hereby amended to read as follows:**

**10.20.210 Penalties for parking infractions.**

A. Unless specifically set forth elsewhere in this chapter, the penalties for each violation of the provisions of this chapter shall be:

1. Overtime parking: \$20.00;
2. Unauthorized parking in alley: \$20.00;
3. Parking in disabled space without requisite permit, decal, or license plate, or making inaccessible the access aisle located next to a disabled space: \$250.00;
4. Parking, stopping or standing in fire lane in violation of this chapter: \$50.00;
5. Parking a Commercial Vehicle in violation of this chapter: \$50.00;
6. Interfering with, concealing, obliterating or erasing marks in violation of this chapter: \$50.00;
7. Parking in a residential parking zone or school zone without requisite permit: \$25.00;
8. All other violations: \$20.00.

B. The penalties set forth in subsection A except for subsection (A)(3) of this section (disabled parking) will be reduced by 50 percent if paid in person to the municipal court during the city's business hours within 24 hours of the date of issuance, or mailed with a postmark within 24 hours of the date of issuance. In the event the municipal court is not open for business the day following the date of issuance, the violator can make payment on the next city business day and still receive the reduced penalty.

C. Unless otherwise directed by the court, payment of all parking infractions shall be made to the municipal court and at such other locations as designated by the court. All proceeds derived from individuals charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city; however, the proceeds from the penalty for parking in a disabled space without the

requisite permit, placard or license plate, or making inaccessible the access aisle located next to a disabled space will be retained by the city in accordance with RCW 46.16.381 and shall be used exclusively for law enforcement.

D. Notwithstanding the language set forth in subsection B of this section, every person committing three violations of this chapter and/or any other parking ordinance of the city within the 365-day period immediately preceding a parking violation, said person will not be eligible for reduction in the parking violation penalty set forth in subsection B of this section for a period of 365 days.

1. Further, after committing three violations within a 365-day period, the penalty for each additional violation beyond three received within said time period shall be as follows:

a. For each \$20.00 penalty violation defined in subsection A of this section, the penalty shall be \$25.00;

b. For each \$25.00 penalty violation defined in subsection A of this section, the penalty shall be \$30.00;

c. For each \$50.00 penalty violation defined in subsection A of this section, the penalty shall be \$55.00.

2. After committing six violations within 365 days, the penalty for each additional ticket received within said time period shall be as follows:

a. For each \$20.00 penalty violation defined in subsection A of this section, the penalty shall be \$50.00;

b. For each \$25.00 penalty violation defined in subsection A of this section, the penalty shall be \$55.00;

c. For each \$50.00 penalty violation defined in subsection A of this section, the penalty shall be \$65.00.

E. Additionally, there is a penalty for failure to respond to notice of a parking infraction within 30 days of the date of issuance, which shall be \$25.00.

F. For a second or subsequent violations of the disabled parking provisions within the 365-day period immediately preceding a violation of the disabled parking provision of this chapter, in addition to the monetary fine, the violator must complete a minimum of 40 hours of:

1. Community service for a nonprofit organization that serves the disabled community or persons having disabling diseases; or

2. Any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

G. Notwithstanding the penalty enhancements set forth in subsection D of this section, for a fourth or subsequent violations of the Commercial Vehicle parking provisions of this chapter within 30 days, the penalty for each additional ticket received within said time period shall be \$75.00.

H. The court may not suspend more than one-half of any fine imposed for a disabled parking violation.

I. For the purposes of this section, a violation occurs when the Mount Vernon municipal court enters a determination that an infraction has been committed in violation of this chapter.

**Section Five. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section Six. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**CITY OF MOUNT VERNON:**

**APPROVED AS TO FORM:**

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\_\_\_\_\_

**Jill Boudreau, Mayor**

**Kevin Rogerson, City Attorney**

**ATTEST/AUTHENTICATED:**

\_\_\_\_\_

Alicia D. Huschka

Published:

Effective:

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